

SIDE LETTER AGREEMENT

BETWEEN

THE CITY OF SAN JOSE

AND

THE MUNICIPAL EMPLOYEES' FEDERATION/AFSCME, LOCAL 101 (MEF)

Shifts for Animal Services Officers and Sr. Animal Services Officers in the Public Works Department

PILOT PROGRAM

The City and the Union acknowledge that the MEF Memorandum of Agreement has the following language regarding unpaid lunches:

7.3 The normal work schedule shall be forty (40)-hours consisting of five (5) consecutive days of eight (8) hours each, exclusive of a lunch period of at least thirty (30) minutes, Monday through Friday. Insofar as is possible, lunch periods shall be scheduled in the middle of the shift. The length of any lunch period is subject to supervisory approval.

Full-time employees in the Animal Services Officer classification (3252) and/or in the Senior Animal Services Officer classification (3251) in the Public Works Department currently work either an eight and a half (8.5) hour shift with a half (0.5) hour unpaid lunch period five (5) days a week, or a ten and a half (10.5) hour shift with a half (0.5) hour unpaid lunch period four (4) days a week.

In recognition of the following circumstances, effective the beginning of the pay period closest in time after this agreement has been signed and executed, full-time employees in the Animal Services Officer classification (3252) and full-time employees in the Senior Animal Services Officer classification (3251) will work either a straight eight (8) hour shift without an unpaid lunch five (5) days a week, or a straight ten (10) hour shift without an unpaid lunch four (4) days a week, as a Pilot Program that shall expire on June 21, 2014. The Pilot Program is in recognition of the following:

- For eight (8) / ten (10) straight hours a day, full-time employees in the Animal Services Officer classification (3252) or in the Senior Animal Services Officer classification (3251) will be required to perform activities that are work related and during this period of time, they may not be relieved of active work time. If an employee needs to be relieved of active work time for any period of time during their work shift, they must request to use their own leave and such requests are subject to supervisory approval prior to the use of such leave.

- An employee is not required to use their leave to take their two (2) fifteen (15) minute breaks (or rest period), which cannot be combined. Insofar as is possible, breaks (or rest periods) shall be scheduled in the middle of each half of the shift. It is understood and agreed that the inability to permit an employee to take a rest period shall not be a basis for any claim for overtime compensation.
- For eight (8) / ten (10) straight hours a day, full-time employees in the Animal Services Officer classification (3252) or in the Senior Animal Services Officer classification (3251) may be required to respond to emergency calls and must be available to perform activities that are work related during their entire work shift. If an employee is unavailable to perform activities that are work related for any reason during their work shift, they must request to use their own leave and such requests are subject to supervisory approval prior to the use of such leave.


This Pilot Program shall become effective when signed by all parties below and shall expire **June 21, 2014**. Either party may at any time terminate the Pilot Program prior to June 21, 2014, upon written notice being provided to the other party.

FOR THE CITY:



Alex Gurza
Deputy City Manager

Date

FOR THE UNIONS:


Yolanda Cruz
President
MEF, AFSCME Local 101

Date


Charles Allen
Business Agent
AFSCME, Local 101

Date